

IN THE DRAWINGS:

New FIG. 9 is added. New Fig. 9 further clarifies the front part of the headband extends circumferentially in the crown along the bottom beyond edges of the visor.

## REMARKS

In accordance with the foregoing, the Specification and claims 9 and 13-16 have been amended. Fig. 9 has been added. Claims 1-21 are pending and under consideration. Claim 10 is allowed.

The present amendment to claim 9 overcomes the objection thereto.

The objection to the drawings is overcome by new Fig. 9.

The objection to claim 3 is respectfully traversed. The Examiner states that the claimed inclined position is the result of sewing or attachment in tension, and therefore sewing or attachment in tension must be claimed in order have antecedent basis. It is respectfully submitted that Applicant is entitled to claim the invention broadly, and therefore is not required to claim each and every feature discussed in the Specification with respect to the claimed elements.

The present amendment to paragraph 15 of the Specification overcomes the objection thereto regarding claim 7.

Regarding claim 11, it is noted that paragraph 15 refers to a sunshield.

The present amendment to paragraph 16 of the Specification overcomes the objection thereto regarding claim 15.

The present amendment to paragraph 19 of the Specification overcomes the objection thereto regarding claim 19.

The present amendment to paragraph 18 overcomes the objection to the disclosure.

The rejection of claim 2 under 35 U.S.C. § 112 is respectfully traversed. The Examiner acknowledges that the bottom edge is stitched to the crown. It is respectfully submitted that this stitching is a form of "contact," and therefore the use of the term "in contact with the crown" is proper.

The present amendments to claims 13-16 overcome the rejections thereto under 35 U.S.C. § 112.

The rejections based on 35 U.S.C. § 102 are respectfully traversed.

Independent claim 1 recites that the rear part of the head band is behind the front part in a circumferential direction of the headband. The Examiner's general position with respect to all references is that since both elements extend circumferentially around the crown, any given

portion of the rear part is disposed behind any given portion of the front part. However, this would not be true in the *circumferential* direction.

Movement along the circumferential direction would follow a ring-shaped pattern, beginning at one point, and ending at the same point. It would not intercept elements disposed in a radial direction. For example, the attached Exhibit illustrates movement in the circumferential direction around the narrow stripe 7 and the headband 3 of Park (relied upon as respectively corresponding to the claimed front and rear parts). It is noted that the paths do not intersect, and therefore the two elements are not disposed relative to each other in the circumferential direction. Points A and C in the Exhibit are not disposed relative to each other in the circumferential direction, whereas points A and B are.

The structures of Lee and Kronenberger are similar to that of Park.

Accordingly, withdrawal of the rejection is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11-2-06

By:   
Michael J. Badagliacca  
Registration No. 39,099

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501